

REMARKS/DISCUSSION OF ISSUES

The Office Action mailed November 16, 2004 has been reviewed and carefully considered. Claims 1-11 remain pending, for which the independent claim remains 1. Claims 7 and 9 have been amended for informalities in the manner suggested by the Examiner. Reconsideration of the above-identified application, as amended and in view of the following remarks, is respectfully requested.

Claim 1 stands objected to for "insufficient" antecedent basis in the claim, based on the claim 1 recitation of "said recording medium position." The applicant traverses this objection.

The combined expression "said recording medium position" in claim 1 finds clear antecedent basis in claim 1 by virtue of the recitation "recording medium position." In fact, this recitation providing antecedent basis resides in the same claim element.

According to prevailing standards of U.S. patent examination practice, when the word "said" precedes a word or phrase in a claim, this implies that, for this combined expression, antecedent basis exists in the claim at a location where the exact word or phrase appears. The respective examination technique is properly executed as follows. Go back in the claim, starting from the combined expression, i.e., "said . . . . , " until the word or

phrase is first encountered. That encountered word or phrase provides antecedent basis for the combined expression.

Reconsideration and withdrawal of the objection are respectfully requested.

Notably, item 3 of the Office Action indicates that examination proceeds under the misguided assumption that antecedent basis lies elsewhere.

The rest of the claim objections relate to inadvertent, minor errors in listing the claims in the prior Office Action reply, e.g., omitting some of the underlining and reciting a word twice consecutively. The corresponding corrections have now been made, which amount to minor informalities corrected in claims 7 and 9 by adopting the Examiner's suggestions.

Claims 1-3, 8 and 9 stand rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 4,224,644 to Lewis et al. ("Lewis").

Claim 1 recites:

a playback means for reproducing a recorded signal (AS) recorded on a recording medium starting from a recording medium starting position (P1) of the recording medium and starting from a recording start moment (T1) by means of at least one playback head; positioning means for positioning said at least one playback head with regard to a desired recording medium position (GP1, GP2) for reproducing said recorded signal (AS) starting from said recording medium position; and input means for supplying a playback time information (WZI) which characterizes a desired playback moment

corresponding to the sum of a starting time information (BZI) characterizing said recording start moment (T1) and a recording time duration (VD1, VD2) which has already elapsed in the recording of the recording signal (AS) in the desired recording medium position, wherein said desired recording medium position is determined by said positioning means by subtracting the starting time information (BZI) from said supplied playback time information (WZI).

Lewis fails to disclose or suggest the above-quoted feature of the present claim 1.

Item 5 of the Office Action cites to the Lewis tape motion pulse count (col. 5, lines 56-58) or the Lewis numerical equivalent of a tape position (col. 6, lines 5-8, 26-29) as corresponding to the "starting time information" of the present claim 1, the "starting time information(BZI) characterizing said recording start moment."

Presumably, then, the Office Action suggests that the Lewis tape motion pulse count or the Lewis numerical equivalent of a tape position characterizes "said recording start moment." This appears to be an awkward, and invalid, interpretation -- holding out a tape position as "characterizing said recording start moment."

Moreover, the Office Action fails to specify what it deems in Lewis to amount to the "recording medium starting position" of the present claim 1. Presumably, the two Lewis statistics, i.e., the

tape motion pulse count and numerical equivalent of tape position, each represents a position.

According to all of the above, it is unclear what in Lewis can fairly be said to represent the "starting time information characterizing said recording start moment" of the present claim 1.

With regard to disclosing "starting time information," the Office Action apparently relies on lines 22-34 of column 3 which state "all of the information necessary to identify such start and stop points is recorded right on the tape itself."

It is unclear, however, how this necessary information involves time, or some hypothetical "timer," rather than "numerical equivalents of tape position" (col. 6, lines 7-8). The only clocking disclosed or suggested in Lewis is that conventionally employed to drive digital circuits.

For at least all of the foregoing reasons, Lewis fails to anticipate the present invention as recited in claim 1.

Reconsideration and withdrawal of the rejection are respectfully requested.

Moreover, there does not appear to be any suggestion of modifying Lewis to resemble the present claim 1.

Claims 6, 7 and 10 stand rejected under 35 U.S.C. 103(a) as unpatentable over Lewis in view of NAVCO (1750 System Controller Product Sheet).

NAVCO relates to recorders, but cannot make up for the shortcomings of Lewis.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claim 4 stands rejected under 35 U.S.C. 103(a) as unpatentable over Lewis in view of U.S. Patent No. 4,890,168 to Inoue et al. ("Inoue").

Inoue relates to recording, but cannot make up for the deficiencies in Lewis.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claim 5 stands rejected under 35 U.S.C. 103(a) as unpatentable over Lewis in view of U.S. Patent No. 6,453,110 to Kawamura et al. ("Kawamura").

Kawamura relates to recorded media, but cannot compensate for the shortcomings of Lewis.

Reconsideration and withdrawal of the rejection are respectfully requested.

Conclusion:

In light of the foregoing, Applicant respectfully requests that the Examiner withdraw the rejections and objections of record, allow all the pending claims, and find the application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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